

*The TRICARE  
Management Activity  
(TMA) Privacy Office is  
committed to ensuring  
the Privacy and Security  
of patient information at  
every level as we deliver  
the best medical care  
possible to those we  
serve.*

#### **Contact Information**

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**HIPAA**

*What does it mean to me?*

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## HIPAA Privacy

In addition to granting you rights over your health information, the Health Insurance Portability and Accountability Act (HIPAA) of 1996, sets limitations on how we (as your healthcare provider) can use your health information. These regulations protect medical records and other individually identifiable health information, whether it is on paper, in computers, or communicated orally.

### How does this affect me?

In order to effectively deliver prompt care to you, it would be virtually impossible for us to stop communicating your information between essential healthcare workers, such as doctors, nurses, or billing personnel. Due to the nature of these communications and environments in which individuals receive health care, the potential exists for that individual's health information to be disclosed incidentally. An "incidental" use or disclosure is the communication of your health information that cannot reasonably be prevented and is limited in nature.

The HIPAA Privacy Rule is not intended to impede these customary and essential communications and practices when these incidental uses or disclosures occur, and therefore certain incidentals are permitted. We MUST, however, take every reasonable effort to limit these communications and have reasonable safeguards and policies in place to protect your privacy.

### Can my physician use sign-in sheets or call out names in the waiting room?

Yes. Physician's offices may use patient sign-in sheets or call out patient names in waiting rooms, as long as the information disclosed is

appropriately limited. The HIPAA Privacy Rule explicitly permits these incidental disclosures, however, they must take care to only disclose minimal information. For example, the sign-in sheet will contain the name but not the reason the patient is being seen.

### Does the HIPAA Privacy Rule allow the physician to place charts in the box outside an examination room?

Yes. This is permitted as long as the clinic takes reasonable and appropriate measures to protect the patient's privacy. The physician uses the patient charts for treatment purposes and therefore it is a necessary practice. Examples of measures that could be taken to ensure the patient's privacy are:

- limiting access to certain areas;
- ensuring that the area is supervised;
- escorting non-employees in the area; or
- placing the patient chart in the box with the front cover facing the wall.

### May physician's offices or pharmacists leave messages for patients at their homes, either on an answering machine or with a family member?

Yes. The HIPAA Privacy Rule permits communication with patients regarding their health care and this includes communicating with patients at their homes, whether through the mail, by phone, or leaving messages on answering machines. However, to reasonably safeguard the individual's privacy, great care should be taken to limit the amount of information disclosed on the answering machine. For example, a physician's office might want to consider leaving only its name and number, and/or other limited information

necessary to confirm an appointment, or to simply ask the individual to call back.

When the individual is not home, the Privacy Rule permits the healthcare provider to leave a message with a family member or other person who answers the phone. Information conveyed in this message should be limited and provide only the amount of information necessary to relay the message. Considerations should be made to use alternative means of communications or to communicate at an alternative location designated by the individual. For example, a request to receive mail at a post office box rather than at home, or to receive calls at the office or on a cell phone rather than at home are considered to be a reasonable request that should be accommodated.

### Is the provider required to document any of these incidental disclosures?

No. There is no requirement to document the incidental uses or disclosures of information, including oral information, because they are necessary for routine treatment, payment or other health care operations functions. However, where a documentation requirement for a disclosure exists in the Privacy Rule, such as to a public health authority or a court, the Rule applies regardless of the form of the information exchange.

### For Further Information

Each military treatment facility (MTF) has a HIPAA Privacy Officer who will answer your questions concerning your rights and the MTF's responsibilities under HIPAA. If you do not know who your HIPAA Privacy Officer is, please contact your treatment facility for assistance in locating their contact information.